

Senate File 22 - Introduced

SENATE FILE 22

BY RAGAN

A BILL FOR

1 An Act providing for the criminal offense of service dog abuse,
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 717B.1, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8A. "*Service dog*" means a dog classified
4 as a service animal that performs tasks for the benefit of its
5 handler who is disabled pursuant to 42 U.S.C. §12131 et seq.,
6 and federal regulations in 28 C.F.R. §35.104 and 28 C.F.R.
7 §35.136.

8 Sec. 2. NEW SECTION. 717B.10 **Service dog abuse.**

9 1. A person commits the offense of service dog abuse if the
10 person owns or possesses a dog which attacks a service dog,
11 unless any of the following circumstances exist:

12 a. The attacking dog is owned or possessed by the owner or
13 handler of the service dog at the time of the attack.

14 b. The service dog was not under the control or direction of
15 its owner or handler at the time of the attack.

16 c. The service dog exhibited aggressive behavior immediately
17 prior to the attack.

18 2. a. Except as provided in paragraphs "b" and "c", a
19 person who commits service dog abuse is guilty of a simple
20 misdemeanor.

21 b. The person is guilty of a serious misdemeanor when any of
22 the following applies:

23 (1) The service dog was attacked in a manner that caused
24 death, permanent disfigurement, or permanent disability of the
25 service dog.

26 (2) The person has been convicted three or more times in
27 the previous ten years of committing an offense under section
28 717B.2, 717B.3, 717B.3A, or 717B.9, or this section.

29 c. The person is guilty of an aggravated misdemeanor
30 when the attack was directly caused by the person's willful,
31 malicious, or reckless act.

32 3. In addition to a penalty imposed under subsection 2,
33 the court shall order a defendant convicted of or receiving a
34 deferred judgment for service dog abuse to make restitution
35 for pecuniary damages pursuant to chapter 910. The amount of

1 pecuniary damages ordered to be paid to the victim by a court
2 shall be limited to expenses for veterinary care, the temporary
3 or permanent replacement of the service dog, and other
4 reasonable expenses incurred as a direct result of the attack.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 GENERAL. This bill amends Code chapter 717B, which provides
9 for offenses relating to the mistreatment of animals defined
10 not to include livestock or game (Code section 717B.1). A
11 person who intentionally injures, maims, disfigures, or
12 destroys an animal owned by another person commits animal
13 abuse and is guilty of an aggravated misdemeanor (Code section
14 717B.2).

15 SERVICE DOG ABUSE — NEW CRIMINAL OFFENSE. The bill creates
16 a new criminal offense referred to as service dog abuse. A
17 person commits this offense when such person owns or possesses
18 another dog which attacks a service dog. A service dog is
19 defined as a dog classified as a service animal as provided
20 in regulations adopted by the United States department of
21 justice pursuant to the federal Americans with Disabilities
22 Act. Under federal law, the dog must be individually
23 trained to do work or perform tasks for the benefit of an
24 individual with a disability, including a physical, sensory,
25 psychiatric, intellectual, or other mental disability. The
26 bill specifically excludes certain circumstances including when
27 the two dogs are owned by the same person, or a service dog was
28 either not under the control of its owner or handler or behaved
29 aggressively.

30 SERVICE DOG ABUSE — PENALTIES AND RESTITUTION. Generally,
31 a person convicted of service dog abuse is guilty of a simple
32 misdemeanor. However, a person owning or possessing the
33 attacking dog is guilty of a serious misdemeanor if the service
34 dog was critically injured or killed, or the person has been
35 convicted three or more times in the previous 10 years of an

1 offense under the Code chapter. A person owning or possessing
2 the attacking dog is guilty of an aggravated misdemeanor if the
3 attack was directly caused by the person's willful, malicious,
4 or reckless act. The person must also pay restitution to the
5 victim for certain expenses incurred by the attack, including
6 for veterinary care or for the replacement of the service dog
7 (see Code chapter 910).

8 CRIMINAL PENALTIES. A simple misdemeanor is punishable by
9 confinement for no more than 30 days or a fine of at least
10 \$65 but not more than \$625 or by both. A serious misdemeanor
11 is punishable by confinement for no more than one year and a
12 fine of at least \$315 but not more than \$1,875. An aggravated
13 misdemeanor is punishable by confinement for no more than two
14 years and a fine of at least \$625 but not more than \$6,250.